

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed March 12, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Objection

Claim 4 is objected to for reciting "including" instead of "consisting of". Applicant respectfully submits that since there is no statutory form for claims (M.P.E.P. 608.01(m)) and that the claims comply with the requirements of 37 CFR 1.75, the use of the term "including" is acceptable and respectfully requests the withdrawal of this objection.

Rejections under 35 U.S.C. § 102

Claims 1-16 stand rejected as anticipated by U.S. Patent No. 6,446,113 ("Ozzie"). Applicant respectfully traverses this rejection.

As to Claim 1, the Examiner states that Ozzie discloses a system for facilitating communication. In particular, the Examiner states that Ozzie teaches one or more programs for communicating with a participant including a plurality of instructions including a first instruction for sending a communication to a participant and a second instruction for awaiting a response from the participant; and an engine for executing the programs, the engine being able to process simultaneously a plurality of instances of each program. Applicant respectfully disagrees and submits that Ozzie does not teach these limitations of Claim 1.

In regard to the one or more programs for communicating with a participant each program including a plurality of instructions for sending a communication to a participant and a second instruction for awaiting a response from the participant, the Examiner indicates that this is disclosed by Ozzie at Col. 9 lines 59-67. In fact, none of the cited portions of Ozzie disclose this limitation of the claim. Instead, the cited portions of Ozzie disclose that a separate client and server communicate with one another; the client computer sends a request for data and the server may respond to the request, for example, by providing documents stored on the server. (Col. 9 Lines 60-64) In contrast, the one or more programs of Claim 1 each contain at least two instructions, one of which sends a communication and a second instruction which puts he

program in a state where the program awaits a response from a participant. Nowhere does Ozzie mention a single program containing instructions for both sending a communication to a participant, or an instruction for putting the program in a state awaiting a response to this communication. Thus the separate server and client computers of Ozzie cannot server as the program including a plurality of instruction, including an instruction for sending a communication to a participant and a second instruction for awaiting a response from the participant, as recited in Claim 1.

In regard to an engine for executing the programs, the engine being able to process simultaneously a plurality of instances of each of the programs, the Examiner indicates that this is disclosed by Ozzie at Col. 10 Lines 1-15 and Col. 11 Lines 15-34. Applicant respectfully disagrees. Ozzie discloses an activity which includes a tool and an engine. The activity is operable for performing a shared, focused task. This activity uses the tool for generating data change requests and the engine, separate from the tool, for maintaining data pursuant to a common data model, usually activity specific, in memory. Thus, each activity has an instance of an engine responsible for effecting data-model changes under the control and direction of the activity and the tool. Because each activity has an engine there may be multiple instances of a data-change engine, additionally the engine does not execute either the corresponding activity or tool. (Col. 11, Line 15-33, Abstract, Col. 3, Lines 48-60) In contrast, the engine of Claim 1 is responsible for executing one or more programs, and is capable of simultaneously processing a plurality of instances of each of the programs. Consequently, the data-change engine of Ozzie under the control of the activity and tool cannot function as the engine of Claim 1, which executes the programs and is able to process multiple instance of each program.

As to Claims 2 and 3, the Examiner states that Ozzie discloses a user interface for creating programs in fig. 5, number 514. However, reference numeral 514 discloses a user interface which interfaces with tools for providing user requests, and a user for providing changes to the data model. While user interface 514 may be graphical, it only interfaces between a user and an already extant activity and the activity's corresponding data model. In contrast, the graphical user interface of Claims 2 and 3 allow a user to actually create a program. Consequently, user interface 514 of Ozzie cannot server as the user interface for creating programs of Claims 2 and 3.

As to Claim 12, the Examiner states that Ozzie discloses a system for facilitating communication. In particular, the Examiner states that Ozzie teaches preparing graphical representations of one or more of the programs for communicating with a participant over a

network and converting each graphical representation into an executable program, simultaneously maintaining a plurality of instances [of the program]. Applicant respectfully disagrees and submits that Ozzie does not teach these limitations of Claim 12.

In regard to preparing graphical representations of one or more of the programs for communicating with a participant over a network and converting each graphical representation into an executable program, the Examiner indicates that this is disclosed by Ozzie at Col. 11 lines 35 et seq. In fact, none of the cited portions of Ozzie disclose this limitation of the claim. Instead, the cited portions of Ozzie disclose that an activity template may be created by a software developer by writing or adapting a tool or an engine for use within a framework. This activity template is a persistent representation of the tool and engine components which comprise an activity. Activity components can be regarded as web documents. (Col. 11, Lines 35-45) In contrast, Claim 12 recites preparing a graphical representation of a program, and converting this graphical representation into an executable program. Because, Ozzie discloses a manual creation of a persistent representation of a collection of web documents, Applicant respectfully submits that the cited portions of Ozzie do not disclose these limitations of Claim 12.

As regards the limitation of simultaneously maintaining a plurality of instances of the program, the Examiner states that this is disclosed in Col. 10, Line 1-15 and Col. 11, Lines 15-34. Applicant respectfully disagrees. The portions of Ozzie cited by the Examiner disclose only that a client and server computer communicate with one another, and that an activity includes a tool which may interface with an engine to create changes to a data model. Ozzie does not disclose maintaining multiple instance of a program which was created by the conversion of a graphical representation. Consequently, Ozzie nowhere discloses this limitation of Claim 12.

As regards the limitation of sending an electronic communication to a participant, pausing execution of the instance of the program and resuming execution of the program following occurrence of a specified event for each instance of the programs, the Examiner states that these limitations are disclosed by Ozzie at Col. 9 Line 64, and Col. 10 Lines 18-22. In fact, these portions of Ozzie disclose a client and server computer communicating with one another, and in the event of severance of the connection the communication is stored until the connection is reestablished. In contrast, Claim 12 recites that for each instance of a program an electronic communication is sent to a participant, execution of the program is then paused, execution of the program is then resumed upon the occurrence of a specified event. Because the cited portions of Ozzie do not disclose a plurality of instances of a program, and that at least

once for each instance of the program a communication is sent, and that execution of the instance is paused and resumed on the occurrence of a specified even, Ozzie does not disclose these limitation of Claim 12 either.

As Ozzie does not disclose all the limitations of independent Claims 1 and 12 as explained above, Applicant respectfully requests the allowance of independent Claims 1 and 12 and their respective dependent Claims 2-11 and 13-16.

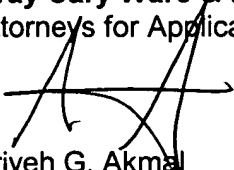
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-16. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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June 8, 2004

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